IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 10015 of 2007(P)

PETITIONER:

DR.MARY E.T. D.M.O. H(RTD) EDATTU,
ELAPUMKAL, KIZHATHADIYOR P.O., PALA,
KOTTAYAM DISTRICT.

BY ADV. SRI.S.PRASANTH

RESPONDENTS:

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1. THE CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOTTAYAM.

3. THE ADDITIONAL DISTRICT MAGISTRATE,
KOTTAYAM.

4. THE ASSISTANT ENGINEER,
KSEB OFFICE, PALA.

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA
STANDING COUNSEL, K.S.E.B. SRI.JOSE J.MATHEIKKAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.10015 of 2007-P

Dated this the 29th day of March, 2007

JUDGMENT

The petitioner is aggrieved by the establishment of a 11 KV transformer adjacent to the land owned by her. The transformer is erected by the side of a public road. The petitioner submits, the location of the transformer is quite inconvenient to her. She proposes to construct a commercial complex in the land. The transformer installed will cause obstruction to her road access. So, she has filed Ext.P1 complaint before the District Collector, Kottayam against the action of the K.S.E.B to locate the transformer in the present site. Thereafter, this writ Petition is filed seeking appropriate reliefs.

2. The learned Standing Counsel for the K.S.E.B, upon instruction, submitted that the petitioner's plot has road frontage of about 50 metres. The transformer is erected at the extreme end of this frontage and its location will in no way cause any obstruction to her. In fact, it is on the boundary of the petitioner with the neighboring plot owner and its location is on the PWD road puramboke land also. Therefore, the petitioner can have no grievance against the location of the transformer. It is already erected and therefore the respondents pray for dismissing the writ petition.

3. Since the transformer is put up on the road puramboke land, the petitioner has no locus standi to complain about it. Further, it does not

obstruct her road access as it is admittedly on the side of her plot. So, I think it is unnecessary to direct the District Collector to consider Ext.P1 which will be a futile exercise resulting in waste of time. Accordingly, the writ petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS